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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,939	12/15/2005	Chisato Yoshida	SONYJP 3.3-393	4354
530 7590 05/27/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER HASAN, SYED Y	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 05/27/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,939	<b>Applicant(s)</b> YOSHIDA, CHISATO	
	<b>Examiner</b> SYED Y. HASAN	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/15/2005, 9/18/2006 and 2/9/2009</u> .                      | 6) <input type="checkbox"/> Other: _____                          |



## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yugi et al (JP 2002112176) in view of Heiles (US 6937275)

Regarding **claim 1**, Yugi et al discloses a recording apparatus for recording pictures taken to a recording medium, said recording apparatus comprising setting accepting sections for accepting a first managing criterion set as a reference recording size for use in recording said pictures taken to said recording medium (paras 0022 and 0023 illustrate recording size)

However Yugi et al does not disclose a second managing criterion set as another reference recording size formed by an integral multiple of said reference recording size under said first managing criterion.

On the other hand Heiles teaches a second managing criterion set as another reference recording size formed by an integral multiple of said reference recording size under said first managing criterion (col 3, lines 7 to col 4 line 35 illustrate integral multiple of recording size)

It would have been obvious to one of ordinary skill in the art at the time of the

invention to incorporate a second managing criterion set as another reference recording size formed by an integral multiple of said reference recording size under said first managing criterion as taught by Heiles in the system of Yugi et al in order to create a number of thumbnail images corresponding to one of the image files.

Regarding **claim 2**, Yugi et al discloses the recording apparatus, further comprising a section for detecting an available capacity of said recording medium (paras 0022 and 0023) wherein said setting accepting section accepts the settings of said first managing criteria within a range of said available capacity (paras 0025 and 0026)

However Yugi et al does not disclose setting accepting section accepts the settings of second managing criteria within a range of said available capacity.

On the other hand Heiles teaches setting accepting section accepts the settings of second managing criteria within a range of said available capacity (col 3, lines 7 to col 4 line 35 illustrate integral multiple of recording size)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate setting accepting section accepts the settings of second managing criteria within a range of said available capacity as taught by Heiles in the system of Yugi et al in order to create a number of thumbnail images corresponding to one of the image files.

Regarding **claim 3**, Yugi et al discloses the recording apparatus , wherein said setting accepting section displays said first managing criterion which may be set in view of said available capacity, before accepting the setting of said first managing criterion (paras 0022 to 0025)

Regarding **claim 4**, Yugi et al discloses the recording apparatus, wherein said

setting accepting section displays a multiple of said first managing criterion which was set and accepted (paras 0022 to 0025 illustrate multiple criteria)

However Yugi et al does not disclose representative of said second managing criterion which may be set, before accepting the setting of said second managing criterion.

On the other hand Heiles teaches representative of said second managing criterion which may be set, before accepting the setting of said second managing criterion (col 3, lines 7 to col 4 line 35 illustrate integral multiple of recording size)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate representative of said second managing criterion which may be set, before accepting the setting of said second managing criterion as taught by Heiles in the system of Yugi et al in order to create a number of thumbnail images corresponding to one of the image files

Regarding **claim 5**, Yugi et al discloses the recording apparatus, further comprising data size setting sections for setting a data size for said pictures taken, wherein said setting accepting sections displays said first and/or said second managing criterion which may be set in view of said data size set by said data size setting sections, before accepting the settings of said first and/or said second managing criterion (paras 002 – 0025)

Regarding **claim 6**, Yugi et al discloses the recording apparatus, wherein said data size setting sections serves as resolution setting sections for setting a resolution for said pictures taken (paras 002 – 0025)

Regarding **claim 7**, Yugi et al discloses the recording apparatus, wherein said data size setting section serves as data compressing section for compressing said pictures taken as data, and wherein said data compressing section sets said data size by having compression rates changed for the data compression (paras 0018 – 0020)

and 0028 – 0029 illustrate data compression)

Regarding **claim 8**, Yugi et al discloses the recording apparatus, further comprising section for displaying the settings of said data size setting section (para 0013, 0022 and 0031 illustrate displaying and choosing the data size)

Regarding **claim 9**, Yugi et al discloses the recording apparatus, wherein said pictures taken are made up of still pictures taken (paras 0029, 0030, 0036, 0038, 0040 to 0044 and 0046 illustrate still pictures) wherein said first managing criterion is the number of said still pictures to be recorded (paras 0022 – 0025) and wherein said setting accepting section accepts said number of said still pictures to be recorded as the setting of said first managing criterion (paras 0022 - 0025)

However Yugi et al does not disclose a multiple of said number of said still pictures to be recorded as the setting of said second managing criterion.

On the other hand Heiles a multiple of said number of said still pictures to be recorded as the setting of said second managing criterion (col 3, lines 7 to col 4 line 35 illustrate integral multiple of recording size)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a multiple of said number of said still pictures to be recorded as the setting of said second managing criterion as taught by Heiles in the system of Yugi et al in order to create a number of thumbnail images corresponding to one of the image files

Regarding **claim 10**, Yugi et al discloses the recording apparatus, wherein said setting accepting section displays a plurality of picture counts to choose from, and accepts the selected picture count as the setting of said first managing criterion (paras 0022 – 0025 illustrate plurality of picture counts)

Regarding **claim 11**, Yugi et al discloses the recording apparatus, wherein said pictures taken are made up of moving pictures taken (paras 0029, 0036, 0038 and 0041

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to 0045 illustrate animation as moving pictures) wherein said first managing criterion is a recording time for recording said moving pictures (para 0038) and wherein said setting accepting section accepts a multiple of said recording time as the setting of said second managing criterion (para 0038 illustrates animation as the second mode)

Regarding **claim 12**, Yugi et al discloses the recording apparatus, wherein said setting accepting section displays a plurality of recording times to choose from, and accepts the selected recording time as the setting of said first managing criterion (para 0040 illustrates choosing recording times for animation)

Regarding **claim 13**, Yugi et al discloses the recording apparatus, wherein said first and said second managing criteria are recorded to said recording medium; and wherein, upon resumption of the recording of said pictures taken to said recording medium, said setting accepting section acquires said first and said second managing criteria from said recording medium instead of obtaining the criteria through acceptance of the settings thereof (rejected based on claim 1 and 2 above)

Regarding **claim 14**, Yugi et al discloses the recording apparatus picture-taking section further comprising for outputting said pictures taken, wherein said recording medium is removably retained (para 0027, SD card is removable)

Regarding **claim 15**, Yugi et al discloses the recording apparatus, further comprising picture taking section for outputting said pictures taken (see claim 1 above) except for wherein said recording medium is placed in an external device accessible for data communication in either wired or wireless fashion

However Heiles teaches wherein said recording medium is placed in an external device accessible for data communication in either wired or wireless fashion (fig 6, 606 and fig 8, 806 illustrate digital camera and computer program wired uploading means)

It would have been obvious to one of ordinary skill in the art at the time of the



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invention to incorporate wherein said recording medium is placed in an external device accessible for data communication in either wired or wireless fashion as taught by Heiles in the system of Yugi et al in order to create a number of thumbnail images corresponding to one of the image files

Regarding **claim 16**, Yugi et al discloses the recording apparatus (see claim 1 above) except for wherein said pictures taken are acquired through data communication in either wired or wireless fashion.

However Heiles teaches wherein said pictures taken are acquired through data communication in either wired or wireless fashion (fig 6, 606 and fig 8, 806 illustrate digital camera and computer program wired uploading means)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein said pictures taken are acquired through data communication in either wired or wireless fashion as taught by Heiles in the system of Yugi et al in order to create a number of thumbnail images corresponding to one of the image files

Regarding **claim 17**, Yugi et al discloses the recording apparatus, further comprising sound acquiring section for acquiring sounds related to each of said pictures taken; wherein said sounds acquired by said sound acquiring section are recorded in conjunction with said pictures taken; and wherein the setting of at least said first managing criterion is accepted by additionally taking into account a recording size reflective of said sounds (paras 0029 and 0030 illustrate music associated with picture)

**Claim 18** is rejected based on claim 1 above

**Claim 19** is rejected based on claim 2 above

**Claim 20** is rejected based on claim 5 above

**Claim 21** is rejected based on claim 5 and 8 above

**Claim 22** is rejected based on claim 8 above

**Claim 23** is rejected based on claim 9 above  
**Claim 24** is rejected based on claim 10 above  
**Claim 25** is rejected based on claim 11 above  
**Claim 26** is rejected based on claim 12 above  
**Claim 27** is rejected based on claim 13 above  
**Claim 28** is rejected based on claim 17 above

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Kara et al (US 5541656) discloses digital camera with separate function and option icons and control switches

Ogawa et al (US 6603506) discloses Digital image-sensing apparatus and control method therefor

Takahashi et al (US 2004/0061797) discloses Digital camera

Tatamiya (US 2004/0183934) discloses Digital camera and mobile equipment with photographing and displaying function

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Y. H./  
05/21/2009

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621